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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,026	01/20/2004	Garrett J. Young	245232US25	7091

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EXAMINER

PHILOGENE, HAISSA

ART UNIT PAPER NUMBER

2828

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8M

Office Action Summary

Application No.

10/759,026

Applicant(s)

YOUNG, GARRETT J.

Examiner

Haissa Philogene

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, 19-26 and 28-35 is/are rejected.
- 7) ☒ Claim(s) 9, 18, 27 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vo et al., Patent No. 6,483,254, in view of Ryan, Pub. No. 2004/0120156.

As per claims 1 and 10, Vo discloses in Fig.7 an LED light comprising an LED light source (402); a thermoelectric device (300) (base made from an electrically insulative, thermally conductive material) onto which said LED light source (402) is mounted; and control circuitry (614) configured to provide a pulse signal to said LED light source (402). Vo does not disclose a thermoelectric device controller configured to control said thermoelectric device to maintain said LED light source within a predetermined temperature range. Ryan discloses in Fig.1 an LED light having a thermoelectric device controller (8) configured to control thermoelectric device (6) to maintain said LED light source (10) within a predetermined temperature range (see page 4, paragraph [0067], lines 1-2 and page 5, paragraph [0072], lines 1-5). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to employ the thermoelectric device controller as taught by Ryan into the Vo type LED light, because it would allow a prevention of thermal degradation, an increase in life span and operational efficiency of the LED light.

As per claims 2 and 11, Vo in view of Ryan discloses the claimed invention substantially as explained above. Further, Ryan discloses a temperature sensor (9) configured to sense a temperature at least a portion of said LED light source (see page 4, paragraph [0062], lines 1-3).

As per claims 3, 4, 12 and 13, Vo in view of Ryan discloses the claimed invention substantially as explained above. In addition, Vo discloses the control circuit (614) including a logic circuit 710 readable as a modulation control circuit to control the pulse signal for the LED light source (402).

As per claims 5-8 and 14-17, Vo in view of Ryan discloses the claimed invention substantially as explained above. Further, Ryan discloses the use of at least a photocell readable an optical feedback controller to provide a control signal to said thermoelectric device controller (8) (see page 5, paragraph [0070], lines 1-8).

Claims 19-26 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vo et al in view of Ryan and further in view of Petrick, Patent No. 6,379,026.

Vo in view of Ryan discloses the claimed invention substantially as explained except for an obstruction light comprising a first strobe light source for outputting strobe light of a first color and an LED strobe light for outputting light of a second color. Petrick discloses in Figs 7 and 8 an obstruction light comprising a first strobe light source (unlabeled but may be 34 or 54 of Fig.3) for outputting strobe light of a first color (pulsed white Xe gas diuscharge light) and an LED strobe light (84) for outputting light of a

Art Unit: 2828

second color (red LEDs). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to employ the obstruction light as taught by Petrick into the Vo in view of Ryan LED light system, because it would allow emission of a dual high intensity light with essentially no downward component.

Allowable Subject Matter

Claims 9, 18, 27 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doiron et al., Patent No. 5,698,866 ; Garriss, Patent No. 5,010,412 ; Uddin, Patent No. 5,038,742.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haissa Philogene whose telephone number is (571) 272-1827. The examiner can normally be reached on 6:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MinSun Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2828

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hp

Haissa Philogene
Primary Examiner
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